

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Brett Douglas McDowell,

Movant,

v.

Lively v. Wayfarer Studios LLC, et al.,

Case No. 1:24-cv-10049

**INTERVENOR’S REQUEST TO RESERVE RULING ON RULE 24 MOTION PENDING
AMENDED COMPLAINT AND REAFFIRMATION OF RELEVANCE OF
“DOGPOOL,” “NICEPOOL,” AND RELATED CLAIMS**

Hon. Lewis J. Liman, U.S.D.J.: Dear Judge Liman,

I write in connection with my pending Rule 24 motion for permissive intervention, and the supplemental notice submitted on June 2, 2025. In light of the Court’s June 9, 2025 Order dismissing the First Amended Complaint without prejudice and granting the Wayfarer Parties leave to amend by June 23, I respectfully request that the Court reserve judgment on my Rule 24 motion until the amended complaint is submitted. The Court’s order acknowledged that the original pleadings lacked sufficient factual clarity and legal structure. As the forthcoming amended complaint may incorporate legal theories or specific factual narratives concerning the

characters “Dogpool,” “Nicepool,” or related forms of symbolic retaliation—claims already raised in detail in my prior filings—I submit this letter to preserve my standing interest and affirm the continued relevance of my intervention. This request is made solely to ensure that my rights and position—particularly with respect to materials, themes, and identity-based harms already on the record—are not overlooked or foreclosed as the case evolves. I appreciate the Court’s attention and respectfully request that no ruling on my motion be made until the amended complaint is available for review.

Respectfully submitted,

/s/ Brett Douglas McDowell

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Dated: June 9, 2025